

**U.S. DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C. 20250**

DEPARTMENTAL REGULATION		Number: 4200-001
SUBJECT: Workplace Violence Prevention and Response Program		DATE: April 17, 2013
		OPI: Office of Human Resources Management

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1. PURPOSE

Violence and threats of violence have no place in the Federal workplace. The origin can be from internal sources such as coworkers or from external sources such as our clients or others. This Departmental Regulation outlines the policy of the U. S. Department of Agriculture (USDA) on the prevention of and response to workplace violence.

2. SPECIAL INSTRUCTIONS

- a. This regulation supersedes Departmental Regulation (DR) 4200-001 dated May 31, 2000.
- b. The principal changes to DR 4200-001 are as follows:
 - (1) Expanded and added responsibilities to better define the roles of the personnel in USDA.
 - (2) Added definitions to increase awareness of the actions that could constitute a workplace violence situation.

- (3) Expanded the list of prohibited behaviors.
- (4) Added DR 4430-792-1 Employee Assistance Program as an authority.
- (5) Added DR 4710-001 Alternative Dispute Resolution as an authority.
- c. **Supplementation:** Agencies and staff offices may supplement this directive with prior approval of the Director, OHRM. Supplemental regulations issued by agencies or staff offices may not conflict with the contents of this directive. Agencies and staff offices must provide copies of any supplemental regulations to employees as required.

3. POLICY

Violent behavior of any kind or threats of violence, either implied or direct, against persons or property will not be tolerated. This includes acts of intimidation or harassment, or other inappropriate behavior which causes fear for personal safety. An employee who exhibits violent behavior may be subject to criminal prosecution and/or shall be subject to disciplinary action up to and including removal from Federal service. Violent threats or actions by employees or non-employees may result in criminal prosecution. USDA and/or its Agencies will appropriately consider all complaints of workplace violence or any possible violation of this policy. Retaliation against any person who initiates a complaint regarding violent behavior or threats of violence made to him/her is also prohibited.

4. DEFINITIONS

- a. **Affected Employee.** Any USDA employee subjected to assault, harassment, inappropriate interference, intimidation or threat by internal or outside sources.
- b. **Alternative Dispute Resolution (ADR).** A process designed to help parties resolve conflicts with the assistance of a neutral third party. It can include facilitation, conciliation, mediation, and ombudsman programs.
- c. **Assault.** Any willful attempt or threat to inflict injury upon the person of another, when coupled with an apparent ability to do so, and any intentional display of force, such as would give the victim reason to fear or expect immediate bodily harm.
- d. **Bullying.** A repeated, intentional, mistreatment of an individual that is driven by a desire to control, impede, or interfere with an individual.
- e. **Dangerous Weapon.** A weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2-1/2 inches in length. (18 U.S.C. 930(g) (2)).

- f. Employee Assistance Program (EAP). A worksite-based program designed to assist in the identification and resolution of work-related and non-work-related productivity problems associated with employees impaired by personal concerns including, but not limited to health, marital, family, financial, alcohol, drug, legal, emotional, or other personal concerns which may adversely affect employee job performance.
- g. Harassment. To annoy or torment repeatedly and persistently causing fear for personal safety. This includes but is not limited to any unwelcome or unwanted conduct that denigrates or shows hostility or an aversion toward another person on the basis of any characteristic protected by law, which includes an individual's race, color, gender, ethnic or national origin, age, religion, disability, marital status, sexual orientation, gender identity, or other personal characteristic protected by law.
- h. Immediate Supervisor. The individual whom an employee directly reports to or receives direction from.
- i. Imminent Danger. An exposure or vulnerability to harm or risk about to occur or impending.
- j. Interference. An act or behavior to hamper, hinder, block, resist, oppose or impede the actions or activities of another person which causes fear for personal safety.
- k. Internal Source. Any USDA employee.
- l. Intimidation. Making others afraid or fearful through threatening and/or other unwelcomed aggressive or passive aggressive behavior.
- m. Outside Source. Any non-USDA individual.
- n. Stalking. Any unwanted contact between two people that directly or indirectly communicates a threat or places one of the people in fear for their personal safety.
- o. Threat. Any gesture or verbal or written expression a reasonable person would interpret that conveys intent to cause physical/non-physical harm to the individual or their property, either presently or in the future.
- p. Violence. Physical force or other actions exerted for the purpose of violating, damaging, or abusing another person.

5. PROHIBITED BEHAVIOR

Violence in the workplace may include, but is not limited to the following list of prohibited behaviors directed at or by a co-worker, supervisor, or member of the public.

- a. Direct threats.
- b. Intimidation.
- c. Implications or suggestions of violence.
- d. Stalking.
- e. Bullying.
- f. Possession, use, or threat of use of a firearm, explosive, or other dangerous weapon by the following individuals is prohibited:
 - (1) USDA employees at work;
 - (2) anyone in USDA Government owned or leased workplaces;
 - (3) anyone in privately owned vehicles on official USDA business;
 - (4) anyone in USDA Government owned or leased vehicles; or
 - (5) anyone in privately owned vehicles parked in USDA Government owned or leased areas.

Exemption to these prohibitions is permitted only when:

- (1) the lawful performance of official duties by an officer, agent, or employee of the United States, a State, or a political subdivision thereof, who is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of law;
- (2) the possession of a firearm or other dangerous weapon by a Federal official or a member of the Armed Forces if such possession is authorized by law;
- (3) the lawful carrying of firearms or other dangerous weapons in a Federal facility incident to hunting or other lawful purposes; or
- (4) additional prohibitions can be made as to the possession, use, or threat of use of a firearm, explosive, or other dangerous weapon as appropriate for their work environment if approved by the Assistant Secretary for Administration.

The term "dangerous weapon" (see Section 4, Definitions) as used in this Departmental Regulation has the meaning given to it in 18 U.S.C. §930(g) (2).

Other than as specified in Sections 5f (1) through (4), possession or use of a firearm, explosive, or other dangerous weapon on Forest Service (FS) land is subject to FS

regulation. (Weapons are not allowed on national forest lands outside of hunting seasons: (See State Game Regulations) shooting ranges are the exception.

Firing a gun is not allowed:

- (1) in or within 150 yards of a residence, building, campsite, developed recreation site or occupied area;
- (2) across or on a road or body of water; and
- (3) in any circumstance whereby any person may be injured or property damaged.
(36 CFR § 261.10(d))

- g. Assault.
- h. Physical restraint, confinement.
- i. Dangerous or threatening horseplay.
- j. Loud, disruptive, or angry behavior or language that is clearly not part of the typical work environment.
- k. Blatant or intentional disregard for the safety or well-being of others.
- l. Commission of a violent felony or misdemeanor on USDA property.
- m. Any other act that a reasonable person would perceive as constituting a threat of violence.

6. AUTHORITIES

- a. The USDA Handbook on Workplace Violence Prevention and Response, October 2001.
- b. Dealing with Workplace Violence, [A Guide for Agency Planners](#), Office of Personnel Management.
- c. USDA DR 4430-792-1 Employee Assistance Program, March 12, 2012.
- d. 18 U.S.C. 930, Possession of firearms and dangerous weapons in Federal facilities.
- e. USDA DR 4710-001 Alternative Dispute Resolution, April 5, 2006.

- f. 36 CFR § 261.10(d), Parks, Forest and Public Property; Prohibitions, Occupancy and Use.

7. RESPONSIBILITIES

a. Agency Heads

- (1) Ensure that policies and procedures to prevent and to respond to workplace violence are implemented at all work sites.
- (2) Ensure the availability of effective EAP and ADR Programs.
- (3) Ensure that appropriate safety and law enforcement personnel complete periodic on-site reviews of safety and security of buildings and offices.
- (4) Ensure facility personnel improve the security level of the physical facilities based on recommendations from the safety and law enforcement review.
- (5) Provide adequate resources for employee awareness and training on workplace violence and prevention.
- (6) Develop reporting and tracking procedures based on Agency specific mission requirements and demographics.

b. Mission Area Human Resources Directors (MAHRD)

- (1) Develop a process to identify, report, monitor, and respond to specific areas with high potential for workplace violence.
- (2) Provide for supervisory training on skills to:
 - (a) set clear standards of conduct;
 - (b) address employee problems promptly; and
 - (c) use of performance counseling, discipline, and ADR programs.
- (3) Provide technical expertise and consultation to assist supervisors in determining proper administrative action.

c. Supervisors

- (1) Inform employees of USDA/Agency policy regarding workplace violence and prevention.
- (2) If physical assault, harassment, interference, intimidation or threat occurs:

- (a) immediately remove the affected employee(s) from possible or further harm or danger;
- (b) contact local law enforcement officials and/or any available security personnel; and
- (c) obtain medical treatment for any injuries if necessary.
- (d) Contact your immediate supervisor as soon as possible to report the workplace violence incident. If immediate supervisor is not available, contact the next higher level supervisory official.
- (e) Discuss strategies with the affected employee(s) to prevent future occurrences by utilizing resources from and consulting with local law enforcement, human resources staff and the EAP.
- (f) Offer EAP counseling for affected employees and make arrangements as necessary.
- (g) Take all threats seriously.

d. Employees

- (1) Be familiar with USDA and Agency policies regarding workplace violence and prevention.
- (2) If physical assault, harassment, interference, intimidation or threat occurs:
 - (a) Immediately remove themselves and any other employees to the extent possible from further harm or danger;
 - (b) contact local law enforcement officials and/or any available security personnel; and
 - (c) obtain medical treatment for any injuries if necessary.

Contact immediate supervisor as soon as possible to report a workplace violence incident. If immediate supervisor is not available contact the next higher level supervisory official.

- (3) Take all threats seriously.

e. Employee Assistance Program Counselors

- (1) Provide short-term counseling and referral services to employees at no cost.
- (2) Help in the prevention of workplace violence through:
 - (a) early consultation on issues involved with organizational change;

- (b) training employees in dealing with angry co-workers and customers;
- (c) consulting with supervisors to deal with problems as soon as they surface;
- (d) consult with supervisors to identify specific problem areas; and
- (e) consult with incident response teams when a potential for violence exists and sit in on debriefings in the event of an actual violent event.

f. **Alternative Dispute Resolution Office**

- (1) Provide ADR as an optional tool in appropriate situations for resolving workplace conflicts and conflicts between USDA and its customers.
- (2) Help in the prevention of workplace violence through various ADR techniques:
 - (a) mediation - an informal process in which a neutral third party assists the parties in conflict in reaching a voluntary, mutually agreeable settlement;
 - (b) ombudsman - individuals who rely on a number of techniques to resolve conflicts who interviews parties, reviews files, and makes recommendations to disputants;
 - (c) fact-finding - the use of an impartial expert (or group) with the authority to determine what the “facts” are in a conflict; and
 - (d) facilitation - involves the use of techniques to improve the flow of information in a meeting between conflicting parties.

8. INQUIRIES

Direct all inquiries to the Office of Human Resources Management, Employee Relations Office, Room 320W Whitten Federal Building, 1400 Independence Ave. SW, Washington, D.C. 20250; telephone number (202) 720-3585.

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